

REMARKS

Claims 12 and 14 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. With respect to claim 12 of the present invention, Applicants have amended this claim to remove the typographical error noted by the Examiner, and thus to now read in the correct form also noted by the Examiner. With respect to claim 14, however, Applicants respectfully traverse because claim 14 does not contain the typographical error that was identified by the Examiner in claim 12. Reconsideration and withdrawal of the Section 112 rejection are therefore respectfully requested.

Claims 11-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshihara et al. (U.S. 2002/0000960) in view of Miyazawa (U.S. 5,731,794). Applicants respectfully traverse this rejection because the Yoshihara reference may not be cited as prior art against the present invention. Without addressing the substantive merits of the outstanding rejection, Applicants submit that the Yoshihara reference is not prior art against the present invention under Section 103, or even under Section 102.

As correctly identified by the Examiner, Section 103(c) and its prohibitions against certain art references is a definitive issue regarding the outstanding Section 103 rejection. Specifically, the Yoshihara Application is not prior art against the present invention because both pending Applications are and were subject to an obligation of assignment to the same corporate person at the time of invention, namely, the same "Fujitsu Limited." The recordation of Assignments for both Applications can be seen by the

Examiner to name the same Assignee. Accordingly, under Section 103(c), the Yoshihara reference cannot be properly cited against the present invention under Section 103(a), and therefore the rejection based in part on this reference should be withdrawn.

Moreover, Applicants submit that the Yoshihara reference should not even otherwise qualify as prior art against the present invention, namely, under Section 102. Specifically, the reference is not 102(b) art because it was not published more than a year prior to the priority date of the present Application. Additionally, Applicants submit that the reference should not qualify as either 102(a) or 102(e) art because the reference is not by “others” or “another.” Applicants respectfully point out that all four inventors of record in the present Application are also listed as inventors of record in the cited published Application.

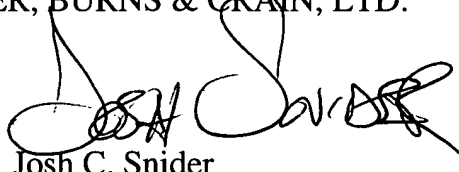
Applicants further submit that the amendment to claim 12 herein is to correct for a typographical error only, and is therefore both appropriate and necessary for entry after final rejection. Applicants lastly submit that no new issues requiring further search or consideration by the Examiner have been raised by this Amendment. Accordingly, Applicants respectfully request entry of this Amendment after final rejection.

For all of the foregoing reasons, Applicants submit that this Application, including claims 11-14, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By

A handwritten signature in black ink, appearing to read "Josh C. Snider", is written over the printed name.

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